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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

No. CR 14-00038 CRB

ORDER AFFIRMING CONVICTION

13 v.

14 FRANCISCO LOPEZ MADRID,
15 Defendant.
16 _____/

17 Francisco Madrid was convicted of carrying a concealed weapon in violation of Cal.
18 Penal Code § 25400(a)(1). See Judgment (dkt. 29). Madrid timely appealed to this Court.
19 See Notice of Appeal (dkt. 28); Minute Entry (dkt. 32). Madrid argued that his conviction
20 violated the Second Amendment because the regulatory framework underlying his
21 offense—which required an applicant to show “good cause” before the applicant could
22 receive a concealed carry permit—infringed on his right to bear arms in self-defense. See
23 Appeal (dkt. 39). The Court AFFIRMS Madrid’s conviction for the following reasons.

24 The Ninth Circuit recently decided Peruta v. Cty. of San Diego, No. 10-56971, 2016
25 WL 3194315 (9th Cir. June 9, 2016) (en banc). In Peruta, the court stated the following:

26 Our holding that the Second Amendment does not protect the right of a
27 member of the general public to carry concealed firearms in public fully
28 answers the question before us. Because the Second Amendment does not
protect in any degree the right to carry concealed firearms in public, any
prohibition or restriction a state may choose to impose on concealed
carry—including a requirement of “good cause,” however defined—is
necessarily allowed by the Amendment. There may or may not be a Second
Amendment right for a member of the general public to carry a firearm

1 openly in public. The Supreme Court has not answered that question, and
2 we do not answer it here.

3 See id. at *15. The parties and amicus, in letter briefs filed after the Peruta decision was
4 handed down, agree that no further briefing is necessary in light of the Ninth Circuit's holding
5 and indicate that Madrid's appeal fails under the now-governing law of this circuit. See
6 Madrid Letter (dkt. 78); United States Letter (dkt. 79); California Letter (dkt. 80).

7 For the foregoing reasons, this Court AFFIRMS the judgment of the magistrate judge.

8 **IT IS SO ORDERED.**

9 Dated: June 24, 2015



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11 CHARLES R. BREYER
12 UNITED STATES DISTRICT JUDGE